

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P17550PC00	FOR FURTHER ACTION	
See Form PCT/IPEA/416		
International application No. PCT/NO2004/000165	International filing date (day/month/year) 07.06.2004	Priority date (day/month/year) 10.06.2003
International Patent Classification (IPC) or national classification and IPC B60G21/055, B62D61/12, B60G11/64, B60G21/05		
Applicant KONGSBERG AUTOMOTIVE ASA ET AL		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. (*sent to the applicant and to the International Bureau*) a total of sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

Date of submission of the demand 04.02.2005	Date of completion of this report 20.10.2005
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Torsius, A Telephone No. +31 70 340-3395



**INTERNATIONAL PRELIMINARY REPORT
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International application No.
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Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-4 as originally filed

Claims, Numbers

1-7 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-7
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-7
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-7
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

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Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1 The following documents are referred to in this communication:

- D1 : US 6 302 417 B1 (HEYRING CHRISTOPHER B) 16 October 2001 (2001-10-16)
D2 : US 2001/022432 A1 (HEBERT MARC) 20 September 2001 (2001-09-20)
D3 : US 3 589 700 A (CARDUNER JEAN JACQUES ET AL) 29 June 1971 (1971-06-29)

2 INDEPENDENT CLAIM 1

The present application meets the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is inventive in the sense of Article 33(3) PCT.

2.1 Document D1, which is considered to represent the most relevant state of the art to the subject matter of claim 1, discloses (see figure 10) with its split stabiliser consisting of rod shaped torsion element 5a, 5b all the features of claim 1 with the exception of the two third arms being connected by a balancer bar supporting a single spring/suspension element 100 connecting it to the chassis.

The problem to be solved by the features that claim 1 has over this prior art, the two spring elements each connected to its respective third arm, could be seen as preventing the buckling of spring 100 because of the inclination angles of the balancer bar.

Replacing the balancer bar and single spring by two springs each connected to their respective third arm is seen a slight non-obvious change in the device of claim D1 to solve this problem, the skilled man would rather change the way the single spring is mounted between the the balancing bar and the chassis.

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- 2.2 Document D2 discloses (see figure 7) with its torsion bar 40, first arms 32 and third arms 42 all the features of claim 1 with the exception of the second arms and a (separate) wheel axle housing.

These features have already been employed in a wheel suspension, see document D3, figure 7 (or also D1, figure 10) to couple a torsion element to a separate wheel axle housing.

Combining D2 on the one hand with the quite different suspensions from D3 or D1 seems to be too far retched for the skilled man.

- 2.3 Therefore claim 1 meets the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT).

3 DEPENDENT CLAIMS 2-7

Dependent claims 2-7 being dependent from claim 1 also meet the requirements of the PCT in respect of inventive step (Article 33(2) and (3) PCT).

Re Item VII

Certain defects in the international application

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.

Although claim 1 is drafted in the two-part form the features (see under 2.1 above) are incorrectly placed in the characterising portion, as they are disclosed in document D1 in combination with the features placed in the preamble (Rule 6.3(b) PCT).